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**OFFICE OF PETITIONS**

In re Application of  
Smith et al.  
Application No. 09/818,989  
Filed: March 26, 2001  
Attorney Docket No. 33088.34

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 2, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner in reply to the non-final Office action mailed March 21, 2002, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on June 22, 2002.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$985 extension of time submitted with the petition on July 2, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

The application file is being forwarded to Technology Center 1723 for further processing.

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for Patent Examination Policy